

REMARKS

Prior to entry of this Amendment, Claims 19 and 21-37 were pending and under consideration. With this Amendment, Claims 19, 33, 35 and 37 have been amended, and Claims 38-42 have been added. Thus, after entry of this Amendment, Claims 19 and 21-42 are pending and under consideration.

The Amendments of the Claims

Claim 19 has been amended to include an embodiment which includes means for attaching the tool to clothing. Basis for this description is found in the specification at FIG. 3 and page 4, lines 27-30. Claim 19 has been amended to more clearly describe the thimble. Basis for this description is found in the specification at page 4, lines 5-9.

In Claim 24, for clarification and consistency, the word "including" has been replaced by the word "comprising", there being no difference in the meaning or scope of these terms.

Claim 33 has been amended to clarify the position and curvature of the blade. Basis for this description is found in the specification at page 4, lines 20-21 and page 6, lines 27-29.

Claim 36 recites an embodiment of a tool which includes an aperture and a loop.. Basis for this description is found in the specification at page 6, lines 19-20 and in FIG. 3.

Claim 37 has been added and recites an embodiment in which the attachment means comprises a loop. Basis for this claim is found in the specification at page 7, lines 21-24.

Claim 38 has been added and recites an embodiment in which the attachments means comprise an aperture. Basis for this claim is found in the specification at page 7, lines 29-30 and FIG. 3.

Claim 39 has been added and describes a extension of the thimble. Basis for this description is found in the specification at page 4, lines 9-10.

Claim 40 has been added and describes an embodiment in which the means for attachment comprises means for attaching the tool to an elastic retractor. Basis for this description is found in the specification at page 7, lines 23-24 and FIG. 3.

Claim 41 has been added and recites an embodiment which includes means for crimping a split shot. Basis for this description is found in the specification at page 6, lines 6-16 and FIG. 1.

Claim 42 has been added and recites an embodiment in which the means for crimping comprises a "U" shaped clip. Basis for this amendment is found in the specification at page 6,

lines 14-20 and FIG. 2.

All of the amendments and claims are supported throughout the specification and claims as originally filed. For certain claims, specific pages and line numbers where support may be found are provided above. Support for the remaining claims derives from the corresponding claims as originally filed. Accordingly, the amendments do not present new matter and entry is proper.

Election/Restriction

Claims 19, 21, 26, 30-32, 34-37 were alleged to be drawn to a nonelected Species. Claim 19 as amended recites an embodiment that is drawn to Species III. Claims 21, 26, and 37 (as amended) depend from Claim 19 and are therefore drawn to Species III. Claims 30-32 and 34-35 depend ultimately from Claim 22 which was allowed.

Claim 36 as amended recites an embodiment that is drawn to Species III.

When any claim is allowed, all dependent claims are allowable without further examination for novelty or obviousness, other than to make sure the dependent claims satisfy 35 USC § 112. In *Ex Parte Ligh* 159 USPQ 61, 62 (Bd. App. 1967), the Board of Appeals held it was error to reject a dependent claim while allowing its parent. Thus, Claims 30-32 and Claims 34-35, which depend from allowed claims, are likewise allowable.

Rejection of Claim 33 Under 35 U.S.C §112, Second Paragraph

Claim 33 stands rejected under 35 U.S.C §112, second paragraph, as allegedly being indefinite. The Examiner alleged that the words “circumference of the thimble” lacked positive antecedent basis. This claim has been amended to delete the word “circumference”. Applicant believes that the amendment address the Examiner’s concerns, and requests that the rejection of Claim 33 under 35 U.S.C §112, second paragraph should be withdrawn.

Conclusion

Independent Claims 19 and 36, and all claims depending therefrom, recite a tool comprising a thimble which includes a blade and means, such as a hole near the open end and/or loop, for attaching the tool to, e.g., clothing. These claim are allowable because the cited art, including Cain (U.S. Patent No. 6,012,165), neither teaches nor suggests such a combination.

Applicant submits that Claims 19 and 21-42 as amended, or as newly added, satisfy all of

the statutory requirements for patentability and are in condition for allowance. An early notification of the same is kindly solicited.

Respectfully submitted,
FOOTHILL LAW GROUP, LLP

Date: June 29, 2005

/John F. Brady/
By: John F. Brady
Reg. No. 39,118

FOOTHILL LAW GROUP, LLP
3333 Bowers Ave., Suite 130
Santa Clara, CA 95054
Phone: 408-293-0880